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Attorneys for Defendant and Counterclaimant  
 RANDY S. FUSS

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

THE HOUSEHOLDER GROUP LLLP, an  
 Arizona Limited Liability Limited  
 Partnership,

Plaintiff,

v.

RANDY S. FUSS, an individual,

Defendant.

Case No.: C 07-0573 SI

**STIPULATION TO CONTINUE  
 SETTLEMENT CONFERENCE AND  
 TRIAL DATE; [PROPOSED] ORDER**

RANDY S. FUSS,

Counter-Claimant,

v.

THE HOUSEHOLDER GROUP LLLP, an  
 Arizona Limited Liability Limited  
 Partnership,

Counter-defendant.

1 Plaintiff and Counter-Defendant The Householder Group and Defendant and Counter-  
2 Claimant, Randy S. Fuss, by and through counsel of record, hereby stipulate as follows:

3 1. The parties have filed Motions for Summary Judgment or Partial Summary  
4 Judgment. Those motions relate to the key issues concerning liability and damages in the case, the  
5 resolution of which will greatly limit or will define issues for trial.

6 2. The hearing on the Summary Judgment Motions is scheduled for July 18, 2008,  
7 and the settlement conference for this matter has been scheduled for July 21, 2008.

8 3. Since it is possible that the Court may not issue its rulings before July 21, 2008,  
9 the parties believe that the settlement conference should be continued to a date after the Court has  
10 ruled on the pending motions. The Court's rulings will greatly assist the parties and the  
11 Magistrate Judge who will be mediating the case.

12 4. The parties have conducted all non-expert discovery and have cooperated in the  
13 resolution of all but one discovery issue, which has not been raised before the Court. The trial  
14 date for this matter is August 26, 2008.

15 5. The parties also agree that the settlement conference be moved to the current trial  
16 dates, and the trial dates be continued to January 2009. The resolution of the parties' Summary  
17 Judgment motions will limit the issues for trial and present a viable opportunity for settlement of  
18 this case, thus possibly eliminated the necessity of a trial. The parties also anticipate that there  
19 will be fewer issues left to be tried following the resolution of the Motions.

20 6. Accordingly, the parties stipulate to modify the schedule as follows:

21  
22 Settlement Conference:

23 Current date: June 21, 2008

24 Proposed date: Any date between August 26-29, 2008 depending on Magistrate availability.

25  
26 Trial:

27 Current date: August 26, 2008

28 The parties are available on any dates in January 2009.

1 Dated: July 14, 2008

BENNETT, CARMICHAEL & KENNEDY, L.L.P.

2  
3 By: /s/ David Carmichael  
David H. Carmichael

4 Attorneys for Plaintiff

5 Dated: July 14, 2008

MARKUN ZUSMAN & COMPTON LLP

6  
7 By: /s/ Amir Tadjedin  
8 Amir Tadjedin

9 Attorneys for Defendant and Cross-Claimant  
10 Randy S. Fuss

11  
12  
13  
14 **[PROPOSED] ORDER**

15 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

16 The previously set settlement conference and trial dates are modified as follows:

17 Settlement Conference: August 26-29, 2008.

18 Trial: January <sup>20, 2009</sup> ~~2009~~, 8:30 a.m. (Jury: 5 days)

19 Pretrial Conference 1/6/09 @ 3:30  
20 (pretrial filings due: 12/19/08)



21 Dated: \_\_\_\_\_

22 Hon. Susan Illston  
23 United States District Judge